

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2005-220-WS – ORDER NO. 2005-398

JULY 21, 2005

IN RE: Petition of the Office of Regulatory Staff for)	EMERGENCY ORDER
an Emergency Order Pursuant to 26 S.C.)	OF SINGLE
Code Regs. 103-886 Enjoining Piney Grove)	COMMISSIONER
Utilities, Inc. from Disconnecting or)	
Discontinuing Service to Customers Located)	
in Lloydwood and Franklin Park)	
Subdivisions.)	

This matter comes before this Commissioner on the request of the Office of Regulatory Staff (ORS) for an Order enjoining Piney Grove Utilities, Inc. (Piney Grove) from disconnecting/discontinuing service to its sewer customers in apparent violation of 26 S.C. Code Regs. 103-531.1 (Supp. 2004). ORS has received information from staff members of the South Carolina Department of Health and Environmental Control (DHEC) and from a customer of Piney Grove that Piney Grove is preparing to and/or planning to disconnect/discontinue service to customers who may be delinquent in paying their accounts. ORS alleges that should Piney Grove disconnect/discontinue service to certain customers in its service area that Piney Grove would be in violation of 26 S.C. Code Regs. 103-531.1 (Supp. 2004), specifically by not having provided the proper notice to the Commission of the disconnection/discontinuance of service as required Reg. 103-531.1 and possibly by failing to provide the required notice to the affected customers as required by 103-531.1.

Accordingly, ORS requests an Order (1) enjoining Piney Grove from disconnecting and/or discontinuing sewer service to customers located in Piney Grove's service area and (2), in the case(s) where Piney Grove has disconnected/discontinued service to any customer(s), requiring Piney Grove to reconnect service to such customer(s) and to maintain the status quo until further Order of the Commission.

It appears to this Commissioner that there are questions which need to be answered about this situation. 26 S.C. Code Regs. 103-886 (Supp. 2004) provides that, when it appears to the Commission Staff that a utility has or is planning to disconnect service to customers in violation of the Commission Rules and Regulations and under circumstances which prevent the full Commission from meeting to address the issue, upon the request of the Commission Staff, R.103-886 allows an Order to be issued to maintain the status quo with customers until further Order of the Commission. Thereafter, at the next scheduled Commission meeting, with proper legal notice, the full Commission shall consider the Order of the single Commissioner and take such legal action on the single Commissioner's Order, as the Commission deems appropriate. Pursuant to 2004 S.C. Acts 175, as of January 1, 2005, ORS has become a successor in interest to the Commission Staff in respect to requesting an emergency order and, subsequently, has sufficient interest to request such a proceeding.

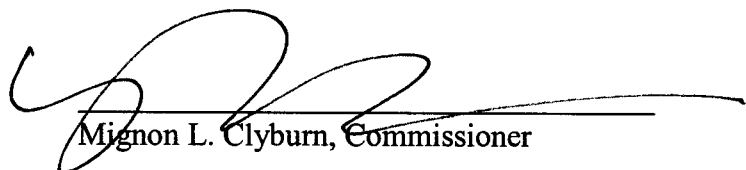
Based upon the information provided, questions exist as to the propriety of disconnection/discontinuance of sewer service to the Piney Grove's customers, potentially in violation of the Commission's Rules and Regulations. At this time, the full Commission may not meet on this matter until at least August 10, 2005. Therefore, upon

the request of ORS, I find it is appropriate to hereby restrain and/or enjoin Piney Grove from disconnecting the sewer service to its customers and to maintain the status quo until the full Commission may consider this matter and until further Order of the Commission. Further, I find that sufficient cause exists to require Piney Grove to reconnect service to any customer which Piney Grove may have already disconnected sewer service from July 19, 2005 until the date of this Order. I find that reconnection is required and appropriate under R.103-886(B) in order to maintain the status quo until such time as the full Commission may meet to consider this matter and until further Order of the Commission.

IT IS THEREFORE ORDERED THAT:

1. Piney Grove Utilities, Inc. is hereby restrained and/or enjoined from disconnecting the sewer service to its customers until further Order of the Commission.
2. Piney Grove Utilities, Inc. is required to reconnect the sewer service to any customer of whom Piney Grove has disconnected/discontinued sewer service from July 19, 2005 until the date of this Order.
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSIONER:



Mignon L. Clyburn, Commissioner